SCANNED

30 pgs.

MONTANA LEGISLATIVE HISTORY

Chapter 412 ~~19~~ 2005

Bill H _____ S 458 Original bill & history X C

H. Committee on LOCAL GOV'T			S. Committee on LOCAL GOV'T		
Hearing Date(s) & Exec. Action	3/31	X C	Hearing Date(s) & Exec. Action	2/12	X C
		C			C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

LEGISLATIVE HISTORIES SINCE 1997

The scope and depth of legislative committee minutes varies by year and by committee. If you would like additional information about a hearing, you may want to determine whether the hearing was recorded. In addition, some recent floor debates were also recorded. For information on accessing or purchasing these recordings, contact the Historical Society Archives at 406-444-4774.

If you have concerns regarding the format of the enclosed committee minutes or the recordings of the hearings, it is suggested that you contact your state legislators.

Bill Draft Number: LC1881
Bill Type - Number: SB 458
Short Title: Time for action against municipality for land use decision
Primary Sponsor: Kim Gillan

Bill Actions - Current Bill Progress: Became Law

Bill Action Count: 57

Action - Most Recent First	Date	Votes Yes	Votes No	Committee
Chapter Number Assigned	04/26/2005			
(S) Signed by Governor	04/25/2005			
(S) Transmitted to Governor	04/16/2005			
(H) Signed by Speaker	04/15/2005			
(S) Signed by President	04/14/2005			
(C) Sent to Printing	04/12/2005			
(S) Returned from Enrolling	04/12/2005			
(S) Sent to Enrolling	04/11/2005			
(S) 3rd Reading Passed as Amended by House	04/09/2005	41	9	
(S) Scheduled for 3rd Reading	04/09/2005			
(S) 2nd Reading House Amendments Concurred	04/08/2005	31	16	
(S) Scheduled for 2nd Reading	04/08/2005			
(H) Returned to Senate with Amendments	04/06/2005			
(H) 3rd Reading Concurred	04/06/2005	74	26	
(H) Scheduled for 3rd Reading	04/06/2005			
(H) 2nd Reading Concurred	04/05/2005	65	35	
(H) Scheduled for 2nd Reading	04/05/2005			
(C) Sent to Printing	04/01/2005			
(H) Committee Report--Bill Concurred as Amended	04/01/2005			(H) Local Government
(H) Committee Executive Action--Bill Concurred as Amended	04/01/2005	12	6	(H) Local Government
(H) Hearing	03/31/2005			(H) Local Government
(H) Referred to Committee	03/07/2005			(H) Local Government
(H) First Reading	03/07/2005			
(S) Transmitted to House	02/23/2005			
(S) 3rd Reading Passed	02/23/2005	28	22	
(S) Scheduled for 3rd Reading	02/23/2005			
(S) 2nd Reading Passed	02/22/2005	25	23	
(S) Scheduled for 3rd Reading	02/22/2005			
(S) Scheduled for 2nd Reading	02/22/2005			

(S) Scheduled for 2nd Reading	02/21/2005			
(C) Sent to Printing	02/18/2005			
(S) Committee Report--Bill Passed as Amended	02/18/2005			(S) Local Government
(S) Committee Executive Action--Bill Passed	02/18/2005	11	0	(S) Local Government
(S) Hearing	02/17/2005			(S) Local Government
(S) Referred to Committee	02/12/2005			(S) Local Government
(S) First Reading	02/12/2005			
(C) Introduced Bill Text Available Electronically	02/11/2005			
(S) Introduced	02/11/2005			
(C) Draft Delivered to Requester	02/11/2005			
(C) Draft Ready for Delivery	02/11/2005			
(C) Draft in Assembly/Executive Director Review	02/10/2005			
(C) Draft in Final Drafter Review	02/10/2005			
(C) Draft in Input/Proofing	02/10/2005			
(C) Draft to Drafter - Edit Review [SAB]	02/10/2005			
(C) Draft in Edit	02/10/2005			
(C) Draft in Legal Review	02/10/2005			
(C) Draft Back for Redo	02/10/2005			
(C) Draft Ready for Delivery	01/06/2005			
(C) Draft in Assembly/Executive Director Review	01/05/2005			
(C) Draft in Final Drafter Review	01/03/2005			
(C) Bill Draft Text Available Electronically	01/03/2005			
(C) Draft in Input/Proofing	01/03/2005			
(C) Draft to Drafter - Edit Review [SAB]	01/03/2005			
(C) Draft in Edit	01/03/2005			
(C) Draft in Legal Review	01/03/2005			
(C) Draft to Requester for Review	12/17/2004			
(C) Draft Request Received	12/15/2004			

Sponsor, etc.

Sponsor, etc.	Last Name/Organization	First Name	Mi
Requester	Facey	Tom	
Drafter	MacMaster	John	
Primary Sponsor	Gillan	Kim	

Subjects

Description	Revenue/Approp.	Vote Majority Req.	Subject Code
Cities and Towns (see also: Local Government)		Simple	CIT
Property		Simple	PROP
Civil Procedure		Simple	CIV

Additional Bill Information

Probable Fiscal Note: No
Preintroduction Required: N
Session Law Ch. Number: 412
DEADLINE
Category: General Bills
Transmittal Date: 03/01/2005
Return (with 2nd house amendments) Date: 04/06/2005

Section Effective Dates

Section(s)	Effective Date	Date Qualified
All Sections	01-OCT-05	

SENATE BILL NO. 458

INTRODUCED BY K. GILLAN

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE PERIOD FOR THE COMMENCEMENT OF AN ACTION AGAINST A MUNICIPALITY ARISING FROM A DECISION OF THE MUNICIPALITY RELATING TO A LAND USE CONSTRUCTION OR DEVELOPMENT PROJECT IS 30 DAYS FROM THE DATE OF THE DECISION; AND AMENDING SECTION 27-2-209, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 27-2-209, MCA, is amended to read:

"27-2-209. Actions against local government or local government official. (1) The period prescribed for the commencement of an action against a sheriff, coroner, or constable upon a liability incurred by the doing of an act in ~~his~~ that person's official capacity and in virtue of ~~his~~ that person's office or by the omission of an official duty, including the nonpayment of money collected upon an execution, is within 3 years~~; but~~, except that this subsection does not apply ~~for~~ to an action for an escape.

(2) The period prescribed for the commencement of an action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process is within 1 year.

(3) Actions for claims against a county ~~which~~ that have been rejected by the county commissioners must be commenced within 6 months after the first rejection ~~thereof by such board~~.

(4) The period prescribed for the commencement of an action against a ~~municipal corporation~~ municipality for damages or injuries to property caused by a mob or riot is within 1 year.

(5) The period prescribed for the commencement of an action against a municipality arising from a decision of the municipality relating to a land use construction or development project is 30 days from the date of the decision."

- END -

MINUTES

MONTANA SENATE
59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN JEFF MANGAN**, on February 17, 2005 at 3:15 P.M., in Room 102 Capitol.

ROLL CALL

Members Present:

Sen. Jeff Mangan, Chairman (D)
Sen. John Esp (R)
Sen. Kelly Gebhardt (R)
Sen. Kim Gillan (D)
Sen. Bob Hawks (D)
Sen. Rick Laible (R)
Sen. Lynda Moss (D)
Sen. Jerry O'Neil (R)
Sen. Jim Shockley (R)
Sen. Carolyn Squires (D)
Sen. Mike Wheat (D)

Members Excused: None.

Members Absent: None.

Staff Present: Jennifer Kirby, Committee Secretary
Leanne Kurtz, Legislative Branch

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted:	SB 370, 2/8/2005; SB 237, 1/19/2005; SB 350, 2/3/2005; SB 382, 2/12/2005; SB 458, 2/12/2005
Executive Action:	SB 350; SB 370; SB 237; SB 382; SB 309; SB 253; SB 458; SB 301; SB 167

Informational Testimony: None.

Questions from Committee Members and Responses:

{Tape: 3; Side: B; Approx. Time Counter: 1 - 5}

SEN. HAWKS asked how the bill affected the public-private partnership that is used in the state. **SEN. ELLIOTT** answered that the power of eminent domain has not been used but the bill was designed to prevent any possibility of abuse.

SEN. ESP questioned whether an amendment to allow for eminent domain in the case of in-fill would be agreeable. **SEN. ELLIOTT** replied that private property was private property and whether eminent domain was used for in-fill or not, it was the same issue.

SEN. LAIBLE wanted to know what the definition of "blight" was. **Mr. Nugent** said that it was defined in statute but it was an area that needed rehabilitation.

Closing by Sponsor:

{Tape: 3; Side: B; Approx. Time Counter: 5 - 7.9}

SEN. ELLIOTT told the committee a story, the moral of which was "what is blight to some people is home to others." He did not feel that the bill would stop urban redevelopment. He said that it was a point of private property and the owner should expect to have his or her home.

HEARING ON SB 458

{Tape: 3; Side: B; Approx. Time Counter: 8}

Opening Statement by Sponsor:

SEN. KIM GILLAN (D), SD 24, opened the hearing on **SB 458**, Time for action against municipality for land use decision.

{Tape: 3; Side: B; Approx. Time Counter: 8 - 9.6}

SEN. GILLAN brought the bill on behalf of the city of Missoula. She explained that the bill would change challenges of land use decisions statute of limitations of 30 days.

Proponents' Testimony:

{Tape: 3; Side: B; Approx. Time Counter: 9.6 - 16.8}

Alec Hansen, League of Cities and Towns, supported the bill because it would provide certainty. He gave the example of a conditional use permit being granted and a lawsuit filed three months later. He said that it would be money better spent. He noted that the developer also only had thirty days to challenge as well.

Jim Nugent, City of Missoula, read his testimony.

EXHIBIT(los39a17)

Jani McCall, City of Billings, supported **SB 458** because it provided good prosecution of the law.

Tammy McGill, Montana Association of Planners, stood in support of the bill. She said that it provided a much-needed statute of limitations.

Curt Chisolm, Montana Building Industry Association, said he saw the bill as a good solution. He noted that the sword cut both ways and was an agreeable situation.

Opponents' Testimony: None.

Informational Testimony:

{Tape: 3; Side: B; Approx. Time Counter: 16.8 - 17.9}

Michael Kakuk, Montana Association of Realtors, had some questions regarding the law. He said that it was unclear when the thirty-day deadline started.

Questions from Committee Members and Responses:

{Tape: 3; Side: B; Approx. Time Counter: 17.9 - 23.2}

SEN. ESP asked about **Mr. Kakuk's** concern. **SEN. GILLAN** promised to find an amendment in the next hour.

SEN. SHOCKLEY questioned if thirty days would be better from notification of the property owner to ensure that the owner knew of the decision. **SEN. GILLAN** answered that land use decisions are noticed and she would assume that the property owner would have received notification.

SEN. MOSS and **SEN. WHEAT** exited.

SEN. ESP wanted to know how the bill applied to construction projects. **Mr. Kakuk** replied that they would work on that.

Closing by Sponsor:

{Tape: 3; Side: B; Approx. Time Counter: 23.2 - 23.9}

SEN. GILLAN told the committee that she would be working on a conceptual amendment. She noted that if there were still problems, it could be changed on the floor

SEN. O'NEIL and **SEN. SHOCKLEY** exited.

EXECUTIVE ACTION ON SB 350

{Tape: 4; Side: A; Approx. Time Counter: 0 - 1.8}

Motion/Vote: **SEN. GEBHARDT moved that SB 350 DO PASS. Motion carried unanimously by voice vote. SEN. MOSS, SEN. O'NEIL, SEN. SHOCKLEY, and SEN. WHEAT voted aye by proxy.**

EXECUTIVE ACTION ON SB 370

{Tape: 4; Side: A; Approx. Time Counter: 1.8 - 13}

Motion: **SEN. SQUIRES moved that SB 370 DO PASS.**

Discussion: **SEN. ESP** told the committee that he was voting against the bill. He said that the retirement funds were in trouble because of declining investment and additional membership. **SEN. ESP** expressed his sympathy for the detention officers but felt that the funds could handle it at the time. **SEN. MANGAN** asked if **Mr. Jenkins** had anything to do with the writing of the bill's fiscal note. **Mr. Jenkins** answered that his office did. **SEN. GILLAN** pointed out that the sheriff's fund was at ninety-five percent, which was the highest except for the judges' fund. **SEN. SQUIRES** declared that the fund was five percent unfunded. She stated that the only people that would take advantage of the bill would be the new hires. She contended that there was no reason for the Sheriff Retirement Fund to not be not actually sound and she noted that they were wanted in the fund pool. **SEN. ESP** stated that they would have to input money later. **SEN. MANGAN** pointed out that **Mr. Jenkins** had brought new information to the committee that was not reflected on the fiscal

EXECUTIVE ACTION ON SB 253

{Tape: 4; Side: B; Approx. Time Counter: 2.1 - 6.5}

Motion: **SEN. GILLAN moved that SB 253 DO PASS.**

Discussion: **SEN. GILLAN** said that the bill was to correct a problem of taxation without representation. **SEN. GEBHARDT** told the committee that a property owner had the right to vote on things that involved that land, whether or not they lived on the land. He stated that there were some issues with precincts and districts but that could be worked out. **SEN. HAWKS** called it an "age-old problem" and there was a matter of fairness involved. He commented that it was not fair for people to vote in city elections and not pay city taxes. He noted that the bill would probably not pass Constitutional muster. **SEN. SQUIRES** told **SEN. HAWKS** that when his district started to grow, he would change his mind on the bill. **SEN. MANGAN** said that he did not realize that **SB 253** concerned Missoula. **SEN. SQUIRES** replied that it dealt with Evergreen and Target Range.

Substitute Motion/Vote: **SEN. ESP made a substitute motion that SB 253 BE TABLED. Substitute motion carried 8-3 by roll call vote with SEN. GEBHARDT, SEN. O'NEIL, and SEN. SQUIRES voting no. SEN. MOSS, SEN. SHOCKLEY, and SEN. WHEAT voted aye by proxy. SEN. O'NEIL voted no by proxy.**

EXECUTIVE ACTION ON SB 458

{Tape: 4; Side: B; Approx. Time Counter: 6.5 - 9.3;
Comments: Tape recorder died at the end of this executive action. The recording is slightly garbled.}

Motion: **SEN. GILLAN moved that SB 458 DO PASS.**

Motion: **SEN. GILLAN moved that SB 458 BE AMENDED.**

EXHIBIT(los39a18)

Discussion: **SEN. GILLAN** explained her amendment.

Vote: **Motion that SB 458 BE AMENDED carried unanimously by voice vote. SEN. MOSS, SEN. O'NEIL, SEN. SHOCKLEY, and SEN. WHEAT voted aye by proxy.**

Motion/Vote: SEN. GILLAN moved that SB 458 DO PASS AS AMENDED. Motion carried unanimously by voice vote. SEN. MOSS, SEN. O'NEIL, SEN. SHOCKLEY, and SEN. WHEAT voted aye by proxy.

The committee took a short break to get a new recorder.

EXECUTIVE ACTION ON SB 301

{Tape: 4; Side: B; Approx. Time Counter: 9.3 - 13}

Motion: SEN. ESP moved that SB 301 DO PASS.

Motion: SEN. ESP moved that SB 301 BE AMENDED.

EXHIBIT(los39a19)

Discussion: SEN. ESP explained his amendment.

Vote: Motion that SB 301 BE AMENDED carried unanimously by voice vote. SEN. MOSS, SEN. O'NEIL, SEN. SHOCKLEY, and SEN. WHEAT voted aye by proxy.

Motion: SEN. ESP moved that SB 301 DO PASS AS AMENDED.

Discussion: SEN. LAIBLE said that he had talked to the Code Commissioner and he had no problems with the bill as amended explained his amendment. **SEN. HAWKS** asked for a short summery of what the bill did. **SEN. ESP** told him that it provided a list of what counties could do. He said that it consolidated the list into one section.

Vote: Motion that SB 301 DO PASS AS AMENDED carried unanimously by voice vote. SEN. MOSS, SEN. O'NEIL, SEN. SHOCKLEY, and SEN. WHEAT voted aye by proxy.

EXECUTIVE ACTION ON SB 167

{Tape: 4; Side: B; Approx. Time Counter: 13 - 24.2}

Motion: SEN. MANGAN moved that SB 167 DO PASS.

Discussion: SEN. MANGAN apologized to the committee because he had not completed any amendments. He told the committee that he was more than willing to go forward with the bill because he thought it was still a good idea. He said that he would not move any of the amendments that **SEN. ELLIOTT** proposed. **SEN. MANGAN**

MISSOULA
OFFICE OF THE CITY ATTORNEY
435 RYMAN • MISSOULA, MT 59802-4297 • (406) 258-4614 • FAX: (406) 327-2105
EMAIL: attorney@ci.missoula.mt.us

Local Govt. Comm.
Exhibit No. 17
Date Feb. 17, 2005
Bill No. SB 458

February 17, 2005

Re: SB 458 requiring initiation of a lawsuit against a municipality arising from a city decision related to land use construction or development be thirty (30) days from the date of decision

Honorable State Senators:

SB 458 is requested in order to establish a thirty (30) day statute of limitations for initiating a lawsuit challenging city council decisions pertaining to land use related construction or development projects. For example, a 30 day statute of limitations for challenging a city council decision relating to creation of a special improvement district or adopting a zoning classification related to construction or development projects is appropriate considering the time and expense invested preparing, designing and commencing implementation activities for construction or development projects.

Several 30 day statute of limitations pertaining to city actions already exist. Montana statutory examples of 30-day statute of limitations for filing lawsuits against governments include: 1) Mont. Code Ann. § 2-3-213 pertaining to public participation/open meeting law alleged violations; 2) Mont. Code Ann. § 76-2-327 pertaining to municipal zoning board of adjustment decisions; and 3) Mont. Code Ann. § 76-3-625 pertaining to filing a lawsuit challenging a local government subdivision.

A second concern is that not only must the lawsuit be filed within 30 days it should also be timely served. Delays of several months before serving a filed lawsuit provides more potential for detrimental, adverse impact on those who are acting in reliance on city council decisions. However, it is our understanding that the Montana State Legislature cannot currently address this concern and that we must take this second concern to the Montana Supreme Court for consideration of possible amendment of the Montana Rules of Civil Procedure.

Your support of SB 458 is respectfully urged.

Sincerely,

OFFICE OF THE CITY ATTORNEY

Jim Nugent
City Attorney

cc: Missoula County Senators; Mike Kadas, Mayor; City Council; Janet Stevens, CAO; Alec Hansen, Montana League of Cities & Towns; Bruce Bender, Public Works Director; Brentt Ramharter, Finance Director; Cindy Klette, OPG Director

AN EQUAL EMPLOYMENT OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER M/F/V/H

Senate Local Govt. Comm.
Exhibit No. 18
Date Feb 17, 2005
Bill No. SB 458

AMENDMENT FORM

Senator: Kim Gillan
Name

Proposes to amend: SB 458
bill/resolution number

as follows:

Line 24: after land use insert

comma,

Line 25, after the insert written

Signed: Kim Gillan **Date:** Feb 17 2005
Signature

MONTANA SENATE
2005 LEGISLATURE

ROLL CALL

LOCAL GOVERNMENT

DATE 02-17-2005

NAMES	PRESENT	ABSENT	EXCUSED
SEN. JEFF MANGAN (D), CHAIRMAN	X		
SEN. BOB HAWKS (D), VICE CHAIRMAN	X		
SEN. JOHN ESP (R)	X		
SEN. KELLY GEBHARDT (R)	X		
SEN. KIM GILLAN (D)	X		
SEN. RICK LAIBLE (R)	X		
SEN. LYNDA MOSS (D)	X		
SEN. JERRY O'NEIL (R)	X		
SEN. JIM SHOCKLEY (R)	X		
SEN. CAROLYN SQUIRES (D)	X		
SEN. MICHAEL WHEAT (D)	X		
LEANNE KURTZ, LSD	X		
JEN KIRBY, COMMITTEE SECRETARY	X		

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Local Government** recommend that **Senate Bill 458** (first reading copy -- white) **do pass as amended.**

Signed: _____
Senator Jeff Mangan, Chair

And, that such amendments read:

1. Title, line 6.
Following: "OF THE"
Insert: "WRITTEN"

2. Page 1, line 24.
Following: "use"
Insert: ","
Following: "construction"
Insert: ","

3. Page 1, line 25.
Following: "the"
Insert: "written"

- END -

Committee Vote:
Yes 11, No 0.

400930SC.ssc

MONTANA STATE SENATE
2005 LEGISLATURE

VISITOR REGISTER

DATE Feb. 17, 2005

SENATE COMMITTEE ON Local Government

BILLS BEING HEARD TODAY SB 237, SB 350, SB 370, SB 382, SB 458

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Raymond Glendenning	442-1199	AFSCME Council 9	SB 370	✓	
FRED BODHOLT	829-3956	SAVE OUR Neighborhoods	SB 350	✓	
JERRY BALLAS	549-1676	Missoula City Council	SB 350	✓	
KATHY FRAME	758-5687	FLAT. CO SHERIFF	SB 370	✓	
BRIAN FRAME	837-5024	SELF	SB 370	✓	
Sgt. L.D. Gross	837-6800	FLAT. CO SHERIFF	SB 370	✓	
Sgt. Jamie Young	388-5467	Gallatin County	SB 370	✓	
Elwin E. Blackler	837-5196	Flathead County	SB 370	✓	
DAVE WALSH	752-4590	Flathead County	SB 370	✓	
Rick Lower	582-2132	Gallatin Co.	SB 370	✓	
Heidi Hirsch	582-2132	Gallatin Co.	SB 370	✓	
DAVID W. MITCHELL	258-4019	DOA/MC	SB 370	✓	
Sheenagh Lee	377-7209	Self	SB 370	✓	

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MONTANA STATE SENATE
2005 LEGISLATURE

VISITOR REGISTER

DATE Feb. 17, 2005

SENATE COMMITTEE ON Local Government

BILLS BEING HEARD TODAY SB237, SB 350, SB370, SB382, SB458

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
la TYMRAK	587-8375	Gallatin Co & Self	SB370	✓	
F Dave Castle	454-6820	Cascade Co. Sheriff	SB370	✓	
NELLISON	454-6831	Cascade County Sheriff	SB 370	✓	
Kinser	254-7982	Yellowstone City Sheriff	SB 370	✓	
McCord	256-6900	Yellowstone City Sheriff	SB370	✓	
HELL	582-2125	GALLATIN CO. SHERIFF	SB370	✓	
HUNT	258-3302	Missoula Co. Sheriff	SB370	✓	
th	756-1888	Flathead Co. Sheriff	SB370	✓	
SON	431-6657	LABORERS UNION	SB370	✓	
EL	721-0340	Dep. Dir. Dept of Admin Missoula Co	SB370	✓	
	721-5229	MISSOULA	SB370	✓	
	543-7952	Missoula	SB 350	✓	
	252-3671	Yellowstone CO.	SB350	✓	
			SB370	✓	

AVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MONTANA STATE SENATE
2005 LEGISLATURE

VISITOR REGISTER

DATE Feb. 17, 2005

SENATE COMMITTEE ON Local Government

BILLS BEING HEARD TODAY SB237, SB350, SB370, SB382, SB458

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Doug Adams	862-1101	City of Whitefish	237	✓	
Erik Garberg	862-8586	City of Whitefish	237	✓	
Gary Marks	863-2400	City of Whitefish	237	✓	
Doug Longfellow	539-5543	Gallatin County	370	✓	
Johnny Rogers	861-5487	Yellowstone County	~~370~~	✓	
Jerry Bazan	549-1675	Architect	237		✓
Jim Nugent	258-4613	City of Missoula	SB350	✓	
Jim Nugent	258-4613	City of Missoula	SB382		✓
Jim Nugent	258-4613	City of Missoula	SB458	✓	
Steve Picker	442-3420	MT Stockgrowers	SB382	✓	
Don Judge	459-1708	Teamsters Local 190	SB370		
Kelly Jenkins	444-3714	PER Board	SB370		X
Brian Gootkin	582-7181	Gallatin CSO	SB370	✓	

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MONTANA STATE SENATE
2005 LEGISLATURE

VISITOR REGISTER

DATE Feb 17, 2005

SENATE COMMITTEE ON Local Government

BILLS BEING HEARD TODAY SB237, SB 350, SB 370, SB382, SB 458

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Terry Teichman		PERB	370		X
Jim Smith		Sheriff's Assoc	370	✓	
Ed Tinsley		L+C Cty.	350	✓	
Mike Harris	5E17357	Gall. County	370	✓ See unit	
Bill Grant	2383888	MT AIA	237		X
Susan Bjerke	443-5801	Arch. Soc. of Helena	237		✓
Sen. John Brueggeman	444-4640	SD6	237	✓	
KARL LAGG	656-6389	HKM/self	237		✓
BRETT CAMPBELL	728411	HKM/SELF	237		X
Jay Skoog	4431160	ACEC-Montana	237		X
Julie Shewman	495-3428	ASCE - Montana	237		X
Tammy McGill		Montana Assoc	350	X	
Kiss Katherman	444-3104	STATE A&E DIV	237	INFO	

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MONTANA STATE SENATE
2005 LEGISLATURE

VISITOR REGISTER

DATE Feb. 17. 2005

SENATE COMMITTEE ON Local Government

BILLS BEING HEARD TODAY SB237, SB350, SB370, SB382, SB458

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Roger Foster	443-4606	Morrison Maierle	SB237		X
Jim Kembel	439-6791	AIA Montana MARLS	SB237		X
Dave Zahller	761-3010	Thomas, Dean & Hoskins	SB237		X
Jim Kembel	439-6791	MARLS	SB237		X
Alec Hansen	442 8768	Cities	350 282 458	X	
M. S. KAKUK	443-7788	MT Assoc. Realtors	SJR 458	INFO	

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN MARK E. NOENNIG**, on March 31, 2005 at 3:35 P.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Mark E. Noennig, Chairman (R)
Rep. Hal Jacobson, Vice Chairman (D)
Rep. Elsie Arntzen (R)
Rep. Debby Barrett (R)
Rep. Margarett H. Campbell (D)
Rep. Emelie Eaton (D)
Rep. Christopher Harris (D)
Rep. Gordon R. Hendrick (R)
Rep. Teresa K. Henry (D)
Rep. Mike Jopek (D)
Rep. Gary MacLaren (R)
Rep. Dave McAlpin (D)
Rep. Tom McGillvray (R)
Rep. Bernie Olson (R)

Members Excused:

Rep. Wayne Stahl, Vice Chairman (R)
Rep. Mary Caferro (D)
Rep. Sue Dickenson (D)
Rep. Rick Maedje (R)

Members Absent: None.

Staff Present: Susan Fox, Legislative Branch
Kyanne Kelly, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:	SB 409, 3/17/2005; SB 431, 3/17/2005; SB 458, 3/17/2005
Executive Action:	SB 116, SB 175, SB 290, SB 456, SB 458

HEARING ON SB 409

Opening Statement by Sponsor:

SEN. STEVEN GALLUS (D), SD 37, opened the hearing on **SB 409**, Eliminate requirement of medical examination for issuance of marriage license.
00:00:38

Proponents' Testimony: None

Opponents' Testimony:
00:02:24 Bruce Deitle, Department of Health and Human Services

Informational Testimony: None

Questions from Committee Members and Responses:
00:08:23

Closing by Sponsor:
00:15:24

HEARING ON SB 458

Opening Statement by Sponsor:

SEN. KIM GILLAN (D), SD 24, opened the hearing on **SB 458**, Time for action against municipality for land use decision.
00:17:34

Proponents' Testimony:
00:21:42 Mike Kadas, Mayor of Missoula
00:24:07 Alec Hansen, League of Cities and Towns
00:25:28 Curt Chisholm, Residential Home Builders
00:26:27 Michael Kakuk, Association of Realtors

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:
00:27:14

Closing by Sponsor:
00:41:06

REPS. DICKENSON, MAEDJE and STAHL entered the room.

HEARING ON SB 431

Opening Statement by Sponsor:

SEN. GREGORY BARKUS (R), SD 4, opened the hearing on **SB 431,** Allow mayor or city manager to discipline a municipal firefighter.
00:41:40

Proponents' Testimony:
00:43:51 Charles Harball, City of Kalispell
EXHIBIT(loh68a01)

Opponents' Testimony:
00:46:58 Pat Clinch, Council of Profession Firefighters
EXHIBIT(loh68a02)

Informational Testimony:
00:51:43 Tim Burton, City Manager of Helena

Questions from Committee Members and Responses:
00:55:22

Closing by Sponsor:
01:07:58

EXECUTIVE ACTION ON SB 116

Motion: REP. OLSON moved that SB 116 BE CONCURRED IN.

Discussion:
01:23:19

Motion: REP. JACOBSON moved that SB 116 BE AMENDED.

EXECUTIVE ACTION ON SB 458

Motion: REP. MCALPIN moved that SB 458 BE CONCURRED IN.

Motion: REP. JACOBSON moved that SB 458 BE AMENDED.

Discussion:
02:38:40
EXHIBIT(loh68a10)

Vote: Motion carried 15-3 by voice vote with REP. HARRIS, REP. MCGILLVRAY, and REP. STAHL voting no. REP. CAFERRO voted by proxy.

Motion/Vote: REP. JACOBSON moved that SB 458 BE CONCURRED IN AS AMENDED. Motion carried 12-6 by roll call vote with REP. ARNTZEN, REP. BARRETT, REP. HENDRICK, REP. MAEDJE, REP. NOENNIG, and REP. STAHL voting no. REP. CAFERRO voted by proxy. REP. MCALPIN to carry.

EXHIBIT 10
DATE 3.31.05
SB 458

Amendments to Senate Bill No. 458
3rd Reading Copy

Requested by Senator Kim Gillan

For the House Local Government Committee

Prepared by Leanne Kurtz
April 4, 2005 (10:57am)

1. Title, line 6.
Strike: "30 DAYS"
Insert: "6 MONTHS"

2. Page 1, line 24.
Strike: "30 days"
Insert: "6 months"

- END -

HOUSE OF REPRESENTATIVES
Roll Call
LOCAL GOVERNMENT COMMITTEE

DATE 3.31.05

NAME	PRESENT	ABSENT	EXCUSED
REP. MARK NOENNIG, CHAIR	✓		
REP. HAL JACOBSON, VICE CHAIR	✓		
REP. WAYNE STAHL, VICE CHAIR			✓
REP. ELSIE ARNTZEN	✓		
REP. DEBBY BARRETT	✓		
REP. MARY CAFERRO			✓
REP. MARGARETT CAMPBELL	✓		
REP. SUE DICKENSON			✓
REP. EMILIE EATON	✓		
REP. CHRISTOPHER HARRIS	✓		[illegible]
REP. GORDON HENDRICK	✓		
REP. TERESA HENRY	✓		
REP. MIKE JOPEK	✓		
REP. GARY MacLAREN	✓		
REP. RICK MAEDJE			✓
REP. DAVE McALPIN	✓		
REP. TOM McGILLVRAY	✓		
REP. BERNIE OLSON	✓		

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HOUSE STANDING COMMITTEE REPORT

Mr. Speaker:

We, your committee on **Local Government** recommend that **Senate Bill 458** (third reading copy -- blue) **be concurred in as amended.**

Signed: Mark E. Noennig
Representative Mark E. Noennig, Chair

To be carried by Representative Dave McAlpin

And, that such amendments read:

1. Title, line 6.
Strike: "30 DAYS"
Insert: "6 MONTHS"

2. Page 1, line 24.
Strike: "30 days"
Insert: "6 months"

- END -

Committee Vote:
Yes 12, No 6.

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4/01/05

HOUSE OF REPRESENTATIVES
Roll Call Vote
LOCAL GOVERNMENT COMMITTEE

DATE 3.31.05 BILL NO SB 458 MOTION NO. _____
MOTION: BE concurred in as AMENDED

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. HAL JACOBSON, VICE CHAIR	✓		
REP. WAYNE STAHL, VICE CHAIR		✓	
REP. ELSIE ARNTZEN		✓	
REP. DEBBY BARRETT		✓	
REP. MARY CAFERRO	✓		
REP. MARGARETT CAMPBELL	✓		
REP. SUE DICKENSON	✓		
REP. EMILIE EATON	✓		
REP. CHRISTOPHER HARRIS	✓		
REP. GORDON HENDRICK		✓	
REP. TERESA HENRY	✓		
REP. MIKE JOPEK	✓		
REP. GARY MacLAREN	✓		
REP. RICK MAEDJE		✓	
REP. DAVE McALPIN	✓		
REP. TOM McGILLVRAY	✓		
REP. BERNIE OLSON	✓		
REP. MARK NOENNIG, CHAIR		✓	

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VISITORS REGISTER

Montana
House of Representatives
Local Government Committee

Bill Number: SB 458 Date: 3/31/05

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Name	Representing	Support	Oppose	Informational
Mike Kadas	City of Missoula	✓		
M. S. Kahkis	MT Assc. Realtors	✓		
Curt Chisholm	MBIA	✓		

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you care to submit written testimony.